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Presentment Date: February 25, 2021  
Time: 12:00 p.m.

Objections Due: February 25, 2021  
Time: 11:00 a.m.

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC  
and the Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

**TRUSTEE'S APPLICATION FOR AN ORDER APPROVING THE  
RETENTION OF VELITOR LAW AS SPECIAL COUNSEL**

Irving H. Picard (the "Trustee"), as trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* ("SIPA"), and the Chapter 7 estate of Bernard L. Madoff (together with BLMIS, the "Debtor"), by and through his undersigned counsel, hereby submits this Application for authority to retain Velitor Law ("Velitor") as special counsel and

respectfully represents as follows:

**Jurisdiction**

1. This Court has jurisdiction over this Application under SIPA section 78eee(b) and 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2). Venue in this District is proper under 28 U.S.C. §§ 1408 and 1409.

2. The statutory predicates for the relief sought herein are section 78eee(b)(3) of SIPA, sections 327(e), 328, 329 and 330 of the Bankruptcy Code, and Fed. R. Bankr. P. 2014.

**Background**

3. On December 11, 2008, the Securities and Exchange Commission filed a complaint in the United States District Court for the Southern District of New York against Bernard L. Madoff and BLMIS, alleging that Madoff and BLMIS engaged in fraud through the investment advisory activities of BLMIS. *See United States v. Madoff*, No. 08 CV 10791 (S.D.N.Y. 2008).

4. On December 15, 2008, the Honorable Louis L. Stanton of the United States District Court for the Southern District of New York entered an order pursuant to SIPA, which in pertinent part:

- a) appointed the Trustee for the liquidation of the business of BLMIS pursuant to section 78eee(b)(3) of SIPA;
- b) appointed Baker & Hostetler LLP as counsel to the Trustee pursuant to section 78eee(b)(3) of SIPA; and
- c) removed the case to this Bankruptcy Court pursuant to section 78eee(b)(4) of SIPA.

5. On July 14, 2009, the Trustee, with the approval of the Securities Investor Protection Corporation (“SIPC”) and the Bankruptcy Court, retained SCA Ontier (formerly SCA Creque) (“SCA”) as special counsel to the Trustee in matters pertaining to British Virgin Islands

(“BVI”) law. The Trustee’s lead attorney at SCA, Mr. Seamus Andrew, recently transferred his practice from SCA to Velitor.

6. While at SCA, Mr. Andrew exclusively managed the Madoff engagement for the Trustee. The Trustee seeks to retain Mr. Andrew and Velitor to advise the Trustee on various issues under BVI law and litigation involving BVI-domiciled entities.

**Relief Requested**

7. Velitor is a boutique law firm based in London. Its founding partner, Mr. Andrew, is admitted to practice as a solicitor and barrister before the Eastern Caribbean Supreme Court in the Territory of the [British] Virgin Islands. Mr. Andrew is an experienced commercial litigator with expertise in international litigation and insolvency and restructuring, who has for many years advised the Trustee with respect to BVI law as noted above.

8. The services of Velitor and Mr. Andrew are necessary and essential to enable the Trustee to execute faithfully his duties in the SIPA liquidation proceeding. The Trustee, therefore, proposes to retain and employ Velitor with regard to litigation and any similar matters as directed by the Trustee.

9. The Trustee submits that the retention of Velitor is permissible under section 78eee(b)(3) of SIPA and is in the best interest of the Debtor’s estate, customers, and creditors. To the best of the Trustee’s knowledge, and as set out in Mr. Andrew’s declaration of disinterestedness annexed hereto as Exhibit A, the partners of Velitor are disinterested pursuant to section 78eee(b)(3) of SIPA and do not hold or represent any interest adverse to the Debtor’s estate with respect to the appeal.

10. Velitor is willing to act on the Trustee’s behalf to render the foregoing professional services and will be compensated at agreed upon rates, listed below, which reflect a reduction of its normal rates by ten percent (10%). Applications for compensation to Velitor will

be filed with this Court pursuant to applicable statutes, rules, and orders of this Court. Velitor rate information is as follows:

<b>Attorney</b>	<b>Standard Hourly Rates</b>	<b>Discounted Hourly Rates</b>
Partner	\$810.00	\$729.00
Associates	\$690.00	\$621.00
Paralegals	\$265.00	\$238.50

Velitor and Baker & Hostetler will coordinate so that there will be no duplication of efforts.

11. SIPC has no objection to this Application and, pursuant to SIPA section 78eee(b)(3), SIPC specifies that the Trustee should be authorized to retain Velitor as special counsel.

#### **Notice**

12. Notice of this Application will be provided by U.S. Mail or email to (i) all parties included in the Master Service List as defined in the Order Establishing Notice Procedures (ECF No. 4560); (ii) all parties that have filed a notice of appearance in this case; (iii) the SEC; (iv) the IRS; (v) the United States Attorney for the Southern District of New York; and (vi) SIPC, pursuant to the Order Establishing Notice Procedures (ECF No. 4560). The Trustee submits that no other or further notice is required.

**WHEREFORE**, the Trustee respectfully requests that the Court enter an order substantially in the form of Exhibit B hereto, (a) granting this Application; (b) authorizing the Trustee to employ Velitor as special counsel for the purposes described herein; and (c) granting the Trustee such other and further relief as is just and proper.

Dated: February 19, 2021  
New York, New York

Respectfully submitted,

/s/ David J. Sheehan

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